

(PRE-FILED)

By: **Chairman, Education, Health, and Environmental Affairs Committee**
(By Request - Departmental - Planning)

Requested: November 3, 2003
Introduced and read first time: January 14, 2004
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 2, 2004

CHAPTER _____

1 AN ACT concerning

2 **Priority Funding Areas - Funding of Sewerage and Water Supply Systems**

3 FOR the purpose of authorizing the State, without the approval of the Board of Public
4 Works, to provide funding for certain water supply or sewerage facilities that
5 are located ~~entirely or partially~~ outside of a priority funding area under a
6 certain ~~circumstances; requiring the Department of Planning and the~~
7 ~~Department of the Environment to make certain determinations~~ condition;
8 making a certain technical correction; and generally relating to the funding of
9 certain water supply and sewerage facilities.

10 BY repealing and reenacting, with amendments,
11 Article - State Finance and Procurement
12 Section 5-7B-06
13 Annotated Code of Maryland
14 (2001 Replacement Volume and 2003 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - State Finance and Procurement**

18 5-7B-06.

19 (a) The State may provide funding for a growth-related project not in a
20 priority funding area without receiving approval from the Board of Public Works as
21 provided under § 5-7B-05 of this subtitle for:

1 (1) a project that is required to protect public health or safety; ~~or~~

2 (2) a project involving federal funds, to the extent compliance with this
3 subtitle would conflict or be inconsistent with federal law; ~~or~~

4 (3) a growth-related project related to a commercial or industrial
5 activity which, due to its operational or physical characteristics, shall be located away
6 from other development, including:

7 (i) a natural resource based industry;

8 (ii) an industry relating to:

9 1. agricultural operations, as defined in § 7-101 of the Labor
10 and Employment Article;

11 2. forestry activities; or

12 3. mineral extraction;

13 (iii) an industry that is proximate to:

14 1. an airport facility;

15 2. a port facility;

16 3. a railroad facility;

17 4. a transit facility; or

18 5. a major highway interchange; or

19 (iv) a tourism facility or museum that is required to be located away
20 from other development due to necessary proximity to specific historic, natural, or
21 cultural resources; OR

22 (4) WATER SUPPLY OR SEWERAGE FACILITIES LOCATED OUTSIDE ~~OF A~~
23 PRIORITY FUNDING ~~AREAS~~ AREA DUE TO OPERATIONAL CHARACTERISTICS OR
24 ENVIRONMENTAL REGULATIONS, PROVIDED THAT THE DEPARTMENT OF PLANNING
25 MAKES A DETERMINATION THAT THE ASSOCIATED SERVICE AREA IS A PRIORITY
26 FUNDING AREA; ~~OR~~

27 ~~(5) WATER SUPPLY OR SEWERAGE FACILITIES WITH SERVICE AREAS~~
28 ~~PARTIALLY OUTSIDE OF PRIORITY FUNDING AREAS WHERE:~~

29 ~~(†) THE DEPARTMENT OF PLANNING HAS DETERMINED THAT LESS~~
30 ~~THAN 5 PERCENT OF THE CAPACITY IS UTILIZED BY DEVELOPMENT OUTSIDE OF THE~~
31 ~~PRIORITY FUNDING AREA; OR~~

1 (H) 1. A. ~~THE DEPARTMENT OF PLANNING HAS DETERMINED~~
2 ~~THAT MORE THAN 5 PERCENT OF THE CAPACITY IS UTILIZED BY DEVELOPMENT~~
3 ~~OUTSIDE OF THE PRIORITY FUNDING AREA; AND~~

4 B. ~~THE STATE SHARE OF FUNDING IS REDUCED BY A~~
5 ~~PROPORTION TO BE DETERMINED BY THE DEPARTMENT OF THE ENVIRONMENT AND~~
6 ~~THE DEPARTMENT OF PLANNING; AND~~

7 2. ~~THE DEPARTMENT OF PLANNING AND THE DEPARTMENT~~
8 ~~OF THE ENVIRONMENT HAVE DETERMINED THAT THE SERVICE AREA BEYOND THE~~
9 ~~PRIORITY FUNDING AREA IS CONSISTENT WITH THE COUNTY WATER AND~~
10 ~~SEWERAGE PLANS REQUIRED BY § 9-503 OF THE ENVIRONMENT ARTICLE AND WITH~~
11 ~~LOCAL COMPREHENSIVE PLANS.~~

12 (b) A procedure for notification, review, and comment on exceptions proposed
13 under this section shall be established jointly by the applicable State agency and the
14 Department of Planning.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2004.